



State of Connecticut
Department of Developmental Services



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Governor

Morna A. Murray, J.D.
Commissioner

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Interim Deputy Commissioner

February 27, 2015

To: Planning and Development Committee Members

From: Commissioner Morna A. Murray, J.D. Department of Developmental Services (DDS)

Re: Follow up to February 13, 2015 public hearing on [Proposed H.B. No. 5618](#) AN ACT CONCERNING COMMUNITY-BASED RESIDENTIAL FACILITIES and [Proposed H.B. No. 6483](#) AN ACT ESTABLISHING A TASK FORCE TO STUDY GROUP HOME DISTRIBUTION.

Thank you for the opportunity to provide committee members with some additional information in follow up to questions asked of me at the public hearing held in the Planning and Development Committee on February 13, 2015 on the above mentioned bills related to group home siting.

1) Please provide an explanation of DDS notice requirements to municipalities or emergency services related to perceived heightened public safety needs of individuals in group homes and potential budgetary impact.

Any home in a municipality (group homes included) can voluntarily reach out to municipal officials to notify them of any special needs of residents in the home in case of emergency. It may be helpful to know that many DDS Community Living Arrangements (CLAs) or “group homes” for four or more individuals are required to have fire suppression systems (sprinkler systems). If the CLA was built prior to December 30, 2005, the home would be classified as a ‘Residential Board and Care occupancy’ type facility. The requirement for sprinklers in these homes is based on a determination of the Evacuation Score of the home. (For DDS public and private CLAs, this is established by the Southbury Training School Fire Department.) Evacuation Score determination is based on a National Fire Protection Association (NFPA) guideline that evaluates the resident, the staffing patterns, and exits of the home in addition to fire drill evacuation times. The Residential Board and Care requirements come from the Connecticut State Fire Safety Code (CSFSC). There are three classifications: Prompt, Slow, and Impractical to Evacuate which are described below.

- Prompt - does not require sprinklers but allows for a sprinkler system.
- Slow - does not require sprinkler protection, but the alternative construction requirements make sprinkler protection an affordable option.
- Impractical- group homes of traditional construction that are required to be sprinkler protected.

The majority of the four-bed CLAs are equipped with sprinklers of which there are three different types. **All three types of systems require local permits for construction and as such the local government would be officially aware of their presence.** For public group homes, these systems are under the purview of the State Fire Marshal. When DDS CLAs operated by private providers are first developed, the local building official or local Fire Marshal for the town the home is in would inspect the system for code compliance. In addition, the homes are required to be inspected annually by the Fire Marshal for code compliance pursuant to Section 29-305 of the Connecticut General Statutes. Knowledge by local fire departments would be contingent upon the relationship between the local fire department and the Fire Marshal or any fire department “preplanning” activities that may occur.

In addition, DDS licensing regulations for CLAs require the following related to evacuation drills:

17a-227-12: Emergency Planning

- (a) Each residence shall have a plan in place which accommodates individuals' needs and identifies direct contact personnel responsibilities in the event of a life threatening emergency.
- (b) The licensee shall provide training for direct contact personnel and individuals being served on how to respond in case of fire and other life threatening situations and shall carry out monthly evacuation drills.
- (c) If the licensee finds inefficiency or other problems identified during a drill, the licensee shall write and carry out a plan of specific corrective action(s).

These CLAs have round the clock staff who would be there to help in case of an emergency. Also, many CLAs have emergency plans in place in case of weather-related or other potential emergencies, such as having generators for back up electricity in case of an extended loss of power. The following licensing regulations for CLAs specifically relate to home safety issues:

17a-227-11: Physical Requirements

- (a) Any building used as a residence shall be in compliance with all applicable federal, state and local codes which govern construction, building safety and zoning ordinances.
- (b) A residence located in a building containing more than two living units or more than three individuals per living unit shall obtain a fire marshal’s certificate in accordance with Sec. 29-305 CGS.
- (c) For a residence licensed for three or fewer individuals, the licensee shall comply with the requirements of the department's home safety inspection report unless a fire marshal's certificate is obtained for each residence.

2) Does DDS have the authority to declare a moratorium of group homes in a municipality?

While DDS can certainly make an informal decision not to site or approve the development of a new CLA in a specific municipality, this would not be a good precedent. DDS group home siting decisions are based on a myriad of factors including access to community and public services, and proximity to transportation, jobs, families and friends. We all have a duty to honor the rights of individuals with intellectual disability to choose a particular community or municipality in which they wish to live.

3) What is the specific process for recourse if it is perceived that a CLA is not being run properly?

Section 8-3e(b) of the Connecticut General Statutes provides that any resident of a municipality in which such community residence is located may, with the approval of the legislative body of such municipality, petition the Commissioner of Developmental Services to revoke the license of such community residence on the grounds that such community residence is not in compliance with the provisions of statutes or regulations concerning the operation of such residences.

Additionally, each of the three DDS Regions has an Assistant Regional Director (ARD) dedicated to providing oversight of the private providers in their regions. The ARD, along with a team of staff, oversee contracted services and assist individuals in finding programs in the community (including more than 800 CLAs). This regional team is responsible for the quality of the programs, monitors them, and addresses any concerns. DDS has developed a process for responding to identified problems with a provider.

DDS will meet with the agency to discuss the problem as soon as possible and develop a plan of correction for any problems. If DDS believes it is a serious problem, the provider will be placed on Enhanced Monitoring which is an increased level of monitoring by the department, beyond the regular monitoring, which is one component of the DDS quality assurance and improvement system. Such increased monitoring may include, but is not limited to: frequency of site visits, provider meetings, and documentation requirements deemed necessary by the department to assess progress of the agency toward meeting identified goals and outcomes established in response to assessments of unsatisfactory performance in accordance with DDS's procedure on Enhanced Monitoring.

Also, Section 17a-227 of the Connecticut General Statutes governs the licensing and regulatory requirements of CLAs. DDS's Division of Quality Management Services is responsible for this oversight and assuring provider compliance.

As you can see, DDS has many systems in place to assure that group homes provide safe living arrangements for individuals with intellectual and developmental disabilities. We hope that the legislature will continue to support and uphold the rights of individuals to live in all communities across Connecticut as valued and respected citizens. Thank you for the opportunity to provide this additional information. If you would like to discuss these issues further, or have any additional questions, please contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs at (860) 418-6066.